



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 26, 2002

VIA HAND DELIVERY

Andrew Lourie, Chief  
Public Integrity Section  
Criminal Division  
Department of Justice  
1400 New York Avenue, 12<sup>th</sup> Floor  
Washington, D.C. 20005

RE: MUR 4919

Dear Mr. Lourie:

This letter is to notify you that on June 19, 2002, the Federal Election Commission ("Commission") found probable cause to believe that Adrian Plesha knowingly and willfully violated 2 U.S.C. § 441h. The Commission also decided to refer this knowing and willful violation of the Federal Election Campaign Act of 1971, as amended, to the Department of Justice, pursuant to 2 U.S.C. § 437g(a)(5)(C) and the Memorandum of Understanding between the Department and the Commission.

MUR 4919 arose out of a referral from the Election Fraud Unit of the California Secretary of State's Office to the Commission. The referral was based upon information discovered during the State's inquiry into the dissemination, on November 2, 1998, of fraudulent mail pieces and phone calls to registered Democrats in the 10<sup>th</sup> Congressional District of California, purportedly from the East Bay Democratic Committee or Democrat Committee. In that election, the Republican candidate, Charles Ball, challenged the Democratic incumbent, Representative Ellen Tauscher.

In the course of an extensive investigation, the Commission discovered that Adrian Plesha, the campaign manager for Charles Ball for Congress, initiated and executed the scheme to deceive the voters in California's 10<sup>th</sup> Congressional District, by disseminating communications that fraudulently misrepresented the opposing candidate's party and a Congressman who was a local leader of that party. Mr. Plesha's scheme was extensive, reaching approximately 40,000 voters by mail and 10,000 by telemarketing. The investigation revealed that Mr. Plesha went to great lengths to cover up the scheme, instructing the printing firm to destroy all traces of the job, disguising the nature of the telemarketing phone banks on the Ball campaign's checks and check registers and disguising the purpose of expenditures on Ball disclosure reports. Most significantly, Mr. Plesha made a sworn statement to the Commission

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absolutely denying his involvement in the East Bay Democratic Committee communications. There is now overwhelming evidence that this sworn statement is false. These activities raise possible violations of 18 U.S.C. §§ 1001 (making false statements and causing false statements to be filed) and 1621 (perjury).

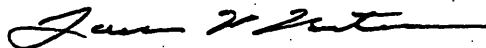
The details of the investigation and violations are included in the General Counsel's Report and Briefs that are enclosed for your review and further investigation. The materials included in this package are subject to 2 U.S.C. § 437g(a)(12) and contain information more inclusive than what would be made available to the public record upon closure of the cases.

I offer our assistance to you in this matter and in any manner you deem appropriate. The Commission has conducted a substantial investigation in this matter (including numerous interviews) and is ready to provide you with any of these materials.

To ensure that Mr. Plesha does not escape liability for the violation in the event the Department declines to prosecute, the Commission has not closed the matter as to Mr. Plesha so that it can pursue appropriate measures pursuant to 2 U.S.C. § 437g(a)(4). Please advise us of the disposition of this matter in accordance with 2 U.S.C. § 437g(c).

If you have questions, please contact Rhonda J. Vosdingh, Associate General Counsel, at (202) 694-1650.

Sincerely,



Lawrence H. Norton  
General Counsel

Enclosures  
General Counsel's Brief  
Respondent's Brief  
General Counsel's Report #11 with attachments